IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT

JODHPUR

O R D E R

Vinod Kumar Jain Vs. State of Rajasthan & Ors.

S.B.CIVIL WRIT PETITION NO.5077/2005

DATE OF ORDER :: May 08, 2007

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.C.P.Trivedi, for the petitioner.
Mr.B.L.Tiwari, Dy.G.A.

BY THE COURT:

By the instant writ petition under Article 226 of the Constitution of India, the petitioner has challenged the order Annexure-2 dt. 28.4.2005 transferring him from Government Guru Govind Singh Senior Secondary School, Udaipur to Falasiya.

I have heard learned counsel for the parties.

The effect and operation of the order Annexure-2 transferring the petitioner from Government Guru Govind Singh

Senior Secondary School, Udaipur to Falasiya. has been stayed by this Court vide order dt. 8.9.2005 and in pursuance of the interim order, the petitioner has been continuing at Government Guru Govind Singh Senior Secondary School, Udaipur for about two years. In my view, no useful purpose will be served in allowing the order impugned to stand after such a long time.

Keeping in view the fact that the petitioner has been continuing at the place from which he was said to be transferred for about two years, in my view, the order impugned Annexure-2 dt. 28.4.2005 and judgment and order Annexure-3 dt. 3.8.2005 passed by the Rajasthan Civil Services Appellate Tribunal, Jaipur deserve to be set aside.

In the result, the writ petition is allowed. Order impugned Annexure-2 dt. 28.4.2005 and judgment and order Annexure-3 dt.3.8.2005 are set aside. However, it will be open for the respondents to pass a fresh order, if service exigency so arises. Stay petition stands disposed of. There shall be no order as to costs.

[H.R.PANWAR],J.

m.asif/-